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MAY 21 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Jackson et al.
Application No. 10/628,044
Filed: July 26, 2003
Attorney Docket No. 066396-0059

This is a decision on the petition filed November 24, 2003, to accord the above-identified application a filing date of July 25, 2003, instead of July 26, 2003.

This decision is based solely on the papers filed on November 24, 2003. The previously filed petition appears to have been misplaced. Any request for reconsideration should include a copy of the previous petition.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10."

The express mail package was checked into a USPS processing facility at 12:30 am on July 26, 2003. The processing facility does not directly accept packages but receives them from various post offices. A declaration by a USPS employee states that the time from acceptance of the package at a post office until being checked into the facility is "normally" more than 30 minutes.

A request for reconsideration should be filed clarifying the term "normally." For example, is normally 51% of the time, 75% of the time, 99.9% of the time, etc.? Also, the employee refers to the general time from a post office to the processing facility rather than the time from the post office where the package was received to the processing facility. The Office is concerned only with the second time period.

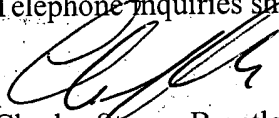
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
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By facsimile: (703) 872-9306
Attn: Office of Petitions

If a request for reconsideration is filed, and a decision on the new petition is not received within two months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
Petitions Attorney
Office of Petitions